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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,175	03/12/2004	Hisayoshi Mizuhara	114208-023	9524

7590 10/20/2005

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EXAMINER

BRITTAIN, JAMES R

ART UNIT	PAPER NUMBER
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3677

DATE MAILED: 10/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/799,175

Applicant(s)

MIZUHARA ET AL.

Examiner

James R. Brittain

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2005 and 27 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 5-11 is/are rejected.
- 7) ☒ Claim(s) 2-4 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION***Claim Objections***

Claims 2 and 3 are objected to because of the following informalities: The term “the ribs” (claim 2, line 2; claim 3, line 2) lacks clear antecedent basis since the term can refer to the ribs of either the inside or outside portion and it is unclear what is being referred to. Appropriate correction is required.

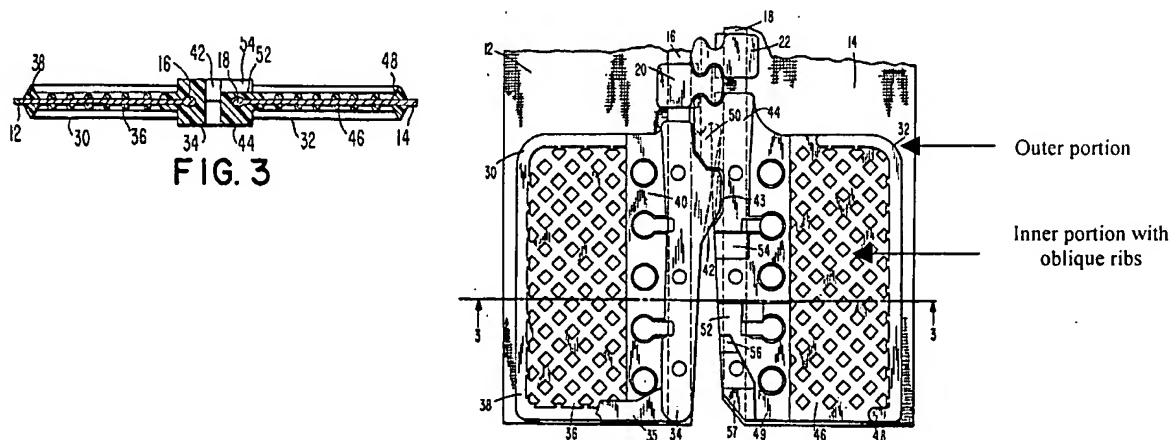
Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2 and 5-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wasko (US 4090279) in view of Schwendt (US 3922761).

Wasko (figures 2, 3) teaches bottom end stop structure in which fastener elements are attached to fastener tapes wherein there are plural ribs 36 that are part of an inner portion and an outer portion is formed by the rim 38 of a thicker dimension.



It would have been obvious to modify the bottom stop of Wasko so that the outer portion is a set of parallel ribs in view of Schwendt (figure 1) teaching that in the environment of an inner portion with ribs oblique to a boundary structure that it is desirable to further have an outer portion with parallel ribs oblique to a portion of the boundary rib so as to better stabilize the ribs and improve the strength of the bottom stop. As to claim 2, Wasko as indicated above has an outer portion in the form of the rim that is thicker than the inner portion. In regard to claim 5, the bottom vertex in the resultant diamond-shaped gap formed between the ribs of the device of Wasko defines a dented portion facing the top end of the structure. As to the placement of the

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ribs relative to the end of the tape, Schwendt suggests distancing the ribs further from the end of the tape than the bottom of the pin box and renders such structure obvious. As to claim 9, the injection molding process inherently adheres the yarns of the tape together. In regard to claim 10, applicant was given Official Notice in the previous office action that such penetration is common in an injection molding environment and it would have been obvious to have penetration of the resin into the tapes. Since there has been no traversal of the Official Notice, this is taken as a recognition by applicant that the well known penetration of the tapes by the plastic during the molding process is a well understood phenomena and is made final. As to claim 11, the particular choice of dimensions is a matter of scaling the teachings of Wasko to the appropriate environment of use and would have been obvious.

Allowable Subject Matter

Claims 3 and 4 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims and rewritten to obviate the objection identified above with respect to claim 3.

Response to Arguments

Applicant's arguments have been carefully considered but are unpersuasive. The annotated drawing from figure 1 of Schwendt that was provided to applicant in the last office action and reproduced above in this office action was marked to indicate that there is a boundary rib between the inner and outer ribs to which both inner and outer ribs are oblique while each set remains parallel to each other. In other words there is nothing in claim 1 to indicate that the definition of the inner ribs is such as to avoid the oblique angle made with

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boundary rib or that the parallel outer ribs are not also formed at an oblique angle to the boundary rib as shown by Schwendt. Claim 1 while reciting the modifiers “oblique” and “parallel” with respect to the ribs, do not distinguish over the configuration shown by Schwendt since “oblique” can clearly reference the inner ribs relative to the boundary rib and the outer ribs on the other side of the boundary rib are clearly parallel.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

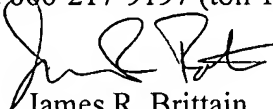
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James R. Brittain whose telephone number is (571) 272-7065. The examiner can normally be reached on M-F 5:30-2:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (571) 272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



James R. Brittain
Primary Examiner
Art Unit 3677

JRB